

Court of Appeals, State of Michigan

ORDER

Jerry Washington v Joseph Controneo, M.D.

Docket No. 296254

LC No. 09-003514-NH

William B. Murphy
Presiding Judge

Jane E. Markey

Douglas B. Shapiro
Judges

Pursuant to MCR 7.205(D)(2), in lieu of granting the application for leave to appeal, the Court VACATES the circuit court's January 8, 2010 order granting defendant's motion for change of venue and REMANDS with direction that the court enter an order denying that motion. The "original injury," as contemplated by MCL 600.1629(1), is the "corporeal injury" that results from a defendant's alleged failure to meet the recognized standard of care. *Taha v Basha Diagnostics, PC*, 275 Mich App 76, 79-80; 737 NW2d 844 (2007); *Dimmitt & Owens Financial, Inc v Deloitte & Touche (ISC), LLC*, 481 Mich 618, 629-630; 752 NW2d 37 (2008). The "original injury" in this case was not the defendant's failure to follow up on the May 5 appointment because that is the alleged breach of the standard of care, not the injury itself. The original injury is the exacerbation of plaintiff's leg condition that resulted from the alleged failure to follow up, and according to the allegations in plaintiff's complaint, that occurred in Jackson County.

We decline to address plaintiff's other issue regarding consolidation because we are not persuaded of the need for immediate review.

We do not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUN 09 2010

Date

Sandra Schultz Mengel
Chief Clerk